

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 06-04-18D**

**BUILDING PERMIT ORDINANCE**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS ESTABLISHING A PROCEDURE FOR THE ISSUANCE OF BUILDING PERMITS REQUIRED BEFORE ANY CONSTRUCTION ACTIVITY MAY BE UNDERTAKEN ON REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE CITY OF HORSESHOE BAY; PROVIDING REQUIREMENTS FOR THE PERIODIC INSPECTION OF CONSTRUCTION; PROVIDING FOR BUILDING STANDARDS FOR CONSTRUCTION; PROVIDING STANDARDS FOR BUILDER'S CONDUCT DURING CONSTRUCTION; PROVIDING FOR FEES AND DEPOSITS; PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE INCLUDING A FINE NOT TO EXCEED \$500.00 AND A CIVIL PENALTY NOT TO EXCEED \$250.00 PER OFFENSE AND OTHER RELIEF; PROVIDING DEFINITIONS; PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL OR ITS DESIGNEE; PROVIDING OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR CERTAIN RELATED MATTERS**

**WHEREAS**, Chapter 214, Texas Local Government Code, authorizes municipalities to adopt certain building and rehabilitation codes and standards for construction on land within the municipality's boundaries and authorizes the issuance of related permits; and

**WHEREAS**, Chapter 51, Texas Local Government Code, authorizes municipalities to adopt, publish, amend or repeal ordinances and police regulations that are for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

**WHEREAS**, Chapter 51, Texas Local Government Code, authorizes a Type A general-law municipality, such as the City of Horseshoe Bay, to adopt ordinances and regulations that are necessary for the government, interest, welfare or good order of the municipality as a body politic; and

**WHEREAS**, each of the subdivisions listed on Exhibit "1", attached hereto and a part hereof, have adopted restrictive covenants and architectural standards for improvements located within their respective boundaries and any new construction must be in compliance with each of their respective subdivision requirements or in compliance with any zoning ordinance adopted by the City of Horseshoe Bay, whichever is the more restrictive; and

**WHEREAS,** it is in the best interest of the citizens of the City of Horseshoe Bay and the owners of real property located within its boundaries, that any new construction be of high quality, and be conducted in a manner as to not cause damage, inconvenience or nuisance to the residents and property owners in its vicinity; and

**WHEREAS,** the Comprehensive Development Plan for the City of Horseshoe Bay has established criteria and goals for development within its boundaries and in its extraterritorial jurisdiction, and it is necessary that construction activity be regulated to insure that it is consistent with such criteria and goals;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HORSESHOE BAY, TEXAS:**

### **I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **II. ENACTMENT**

The City Council of the City of Horseshoe Bay hereby enacts the "Building Permit Ordinance" which is attached hereto as Exhibit "A" and incorporated into this Ordinance.

### **III. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

### **IV. SEVERABILITY**

If any term, provision or section of this Ordinance or the application of any provision to any Applicant or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

### **V. PROPER NOTICE AND MEETING**

It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by Chapter 551 of the Texas Government Code.

**ADOPTED AND APPROVED** on this 18<sup>th</sup> day of April, 2006, by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

**Robert W. Lambert, Mayor**

**ATTEST**

/S/  
**Toni Vanderburg, City Secretary**

## **Exhibit “A”**

### **I. ENACTMENT PROVISIONS**

#### **(a) Popular Name**

This Chapter shall be cited as the “Building Permit Ordinance.”

#### **(b) Purpose**

This Chapter is enacted so that the City Council may promote the public health, safety, morals and general welfare of the City through the reasonable regulation of construction activities in the City. It is in the best interest of the citizens of the City of Horseshoe Bay and the owners of real property located within its boundaries, that any new construction be of high quality, and be conducted in a manner as to not cause damage, inconvenience or nuisance to the residents and property owners in its vicinity.

#### **(c) Application**

The provisions of this Chapter shall apply within the City Limits (i.e., incorporated municipal boundary) of the City.

#### **(d) Compliance Required**

It shall be unlawful for any person to violate the provisions of this Chapter.

### **II. DEFINITIONS**

#### **(a) General**

The following words, terms and phrases, when used in the Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this Ordinance. The words “regulation” and/or “requirement” mean the provisions of any applicable ordinance, rule, regulation or policy.

#### **(b) Specific**

*Applicant* means the landowner making Application to the City for a permit to institute construction on real property pursuant to the regulations set out herein.

*Application* means either the action to be taken by the Applicant necessary to obtain a Building Permit or the form prescribed by the City to be filed by an Applicant.

*Building Codes* means the standards for construction adopted by the City for any construction in the City, as set out and identified by type of construction in Exhibit “2”, attached hereto and a part hereof for all purposes, or as set out in any other ordinance or regulation adopted by the City.

*Building Inspector* means the person appointed by the City to conduct periodic inspections of construction progress to insure that such construction is being conducted consistent with the Building Permit and with prescribed Building Codes.

*Building Permit* means the evidence of approval by the City that must be obtained by a landowner before construction shall be initiated on real property in the City.

*Centex Destination Properties* means the real property owned by Centex Resort Properties being developed pursuant to plans that will be submitted to the City and represented to be the basis for future construction.

*City* means the City of Horseshoe Bay, Texas, and includes any designee who is appointed by the City Council to carry out the City’s function.

*City Council* means the governing body of the City of Horseshoe Bay, Texas.

*Club Facility* means improvements provided as amenities to property owners in a Subdivision or a part of the amenities provided by Horseshoe Bay Resort on the Resort’s Amenity Land provided to Resort members or guests (Zone 16).

*Commercial* means a Project, facility or construction activity related to a commercial structure as the term is defined in the City’s Zoning Ordinance.

*Existing Subdivision* means the platted subdivisions located within the City’s boundaries on September 20, 2005, listed on Exhibit “1” attached hereto and a part hereof for all purposes.

*Hurd Agreement Property* means real property owned by Wayne Hurd or his affiliated entities located throughout the City and not located in an Existing Subdivision that will be developed only pursuant to an agreement to be entered into with the City.

*Licensed Contractor* means any provider of construction services to property owners in the City who has been issued an annual license by the Texas Residential Construction Commission and who has registered with the City. Licensing and registration are necessary before any provision of construction service shall be authorized. Providers of non-residential and commercial construction services not licensed by the Texas Residential Construction Commission shall be deemed to be Licensed Contractors if they have registered with and been approved by the City.

*Multi-family* means a Project, facility or construction activity related to a multi-family structure as the term is defined in the City’s Zoning Ordinance.

*Occupancy Permit* means a permit that must be obtained from the City by a landowner signifying completion of a construction Project has been accomplished and all requirements of the City have been met before the completed Project may be occupied.

*Plat* means a plat, replat or an amended plat as such terms are used in Chapter 212, Texas Local Government Code, as it may be amended hereafter.

*Project* means any type of construction activity on real property.

*Red Tag* or *Tagged* means the designation made by a Building Inspector signifying that construction on a Project is not in compliance with regulations, and all construction must stop until compliance occurs.

*Resort Agreement Property* means the property owned by the Horseshoe Bay Resort and its affiliated entities, located throughout the City and not in an Existing Subdivision that will be developed only pursuant to an agreement to be entered into with the City.

*Retail* means a Project, facility or construction activity related to a retail structure as the term is defined in the City's Zoning Ordinance.

*Single-Family Residential* means a Project, facility or construction activity related to a residential structure as the term is defined in the City's Zoning Ordinance.

*Site* means the real property where a Project will be located.

*Zones* or *City Zones* means the areas within the City that have been so designated in its Comprehensive Development Plan and are as shown on Exhibit "1."

### **III. NO CONSTRUCTION BEFORE BUILDING PERMIT APPROVAL**

#### **(a) Approval Required**

Approval of an Application and issuance by the City of a Building Permit is required before construction of any sort may be initiated on a Project unless specifically exempted as provided herein. As used herein, the term *construction* includes but is not limited to Site preparation (but not lot clearing where there is no immediate intention to erect additional improvements); building of new improvements; remodeling or making additions to existing structures; installation of pools or spas; erection of fences; erection of retaining walls, jet ski ramps or boat docks; and, the installation of driveways or parking areas. Initiating construction prior to the issuance of a Building Permit will subject the owner of the Site to a fine and other penalties in amounts to be established from time to time by the City Council. The term of the Building Permit for manufactured housing shall be nine (9) months, for all other projects shall be for eighteen (18) months, unless a longer term is granted by the City at the time the Building Permit is issued. Requests for an extended permit period must be in writing and submitted with the Application.

**(b) Exemptions**

Exemption from the permit requirements of this Ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Ordinance or any other law or ordinance of the City. Permits shall not be required for the following:

- (1) Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work for an existing structure.
- (2) Window awnings supported by an exterior wall which do not project more than fifty four inches (54") from the exterior wall and do not require additional support.
- (3) Minor electrical repairs and maintenance, including the replacement of lamps.
- (4) Use of portable heating, cooling or drying appliances and the replacement of any minor part that does not alter approved equipment or make such equipment unsafe.
- (5) The stopping of leaks in drains, water, waste or vent pipes; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered construction and a permit shall be obtained and inspection made as provided in this Ordinance.
- (6) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and re-installation of water closets, provided such repairs do not involve or require the replacement or re-arrangement of valves, pipes or fixtures.
- (7) Where equipment replacement and repairs must be performed in an emergency situation, an Application shall be submitted to the City within three (3) business days after such replacement or repair.
- (8) Ordinary repairs to structures that do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress. Ordinary repairs shall not include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage line, gas, soil, waste vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- (9) Replacement of compressors, air handlers or other mechanical devices a part of normal household heating and air conditioning systems.
- (10) Installation of antennas for satellite television or those related to internet connections.

**IV. PERMIT APPLICATIONS**

**(a) Permit Application Requirements**

An Applicant seeking a Building Permit for a Project must submit the following:

- (1) Evidence that the Site is a part of a Plat that has been approved by either Llano or Burnet Counties prior to September 20, 2005, or by the City after such date.
- (2) For City Zones 1-11, three (3) sets of plans that have been submitted to and approved by the architectural control committee or person so designated in the respective Zone indicating the plans comply with the restrictive covenants for the subdivision where the Site is located. For City Zones 12-18, which includes the Centex Agreement Property, the Hurd Agreement Property and the Resort Agreement Property, three (3) sets of plans must be submitted to the City Council or its designee to determine that such plans are in compliance with relevant agreements and for prior approval before a permit shall be issued.
- (3) For any residential, retail or commercial Project containing 10,000 square feet or more of impervious cover, evidence that plans have been first approved by the Lower Colorado River Authority pursuant to its Lower Colorado River Authority Highland Lakes Watershed Ordinance. For any retail, commercial or Club Facility project, and any residential project with over 10,000 square feet of covered area, if the Site is located in Zones 1-11, such approved plans must also be submitted to the appropriate architectural control committee and then to the City Council for final plan approval. If the Site is located in Zones 12-18, City Council approval is required before a permit will be issued.
- (4) Plans that are submitted must include plat plans and all four (4) exterior elevations, showing type and color of roof, masonry, siding and trim. The plans must show the location, nature and extent of work proposed, and be in sufficient detail to show that all work will conform to the applicable Building Codes and that natural and established drainage patterns will not be encumbered.
- (5) Until such time as the City has a Federal Emergency Management Agency (FEMA) qualified staff member, a permit from the Llano or Burnet County natural resource offices must be obtained if any portion of the site is within the 100 years flood plain.
- (6) If the Site is not served by the City's sewer system, a permit from Llano or Burnet County for a septic or equivalent system.
- (7) Evidence of approval by the City's water and sewer system department of the plan for utility hook-up.
- (8) Payment of all fees and deposits established by the City in connection with the issuance of Building Permits, utility connections or other fees required by the City in relation to the Project.
- (9) The name, address and day time telephone number for the Site owner and for the general contractor, who must be a Licensed Contractor and any other Licensed Contractor who will be working on the Project. Only Licensed Contractors may be employed by an Applicant to provide construction service on any Project, unless a property owner is doing his or her own construction and not employing a contractor. The property owner shall indicate on the Application what construction the owner will be doing.



(10) Any other information requested in writing by the City Council or its designee that may be necessary to fully assess the Application in relation to the requirements of this Ordinance or the City Building Codes.

**(b) Permit Approval**

An Application for a Building Permit shall not be approved until all of the required submissions set out above in a form acceptable to the City have been made or waived, in writing, by the City and all required fees have been paid.

**V. BUILDING PERMIT FEES**

**(a) Fees**

The initial amounts for Building Permit fees are set out below. The fee schedule may be amended from time to time by City Council resolution.

<b>Type of Project</b>	<b>Permit Fee</b>	<b>Utility Hook-Up Fee**</b>
Single Family residential – Manufactured Housing	\$ 700	\$2,369
Single family residential – new		
5,000 or less sq. ft. of living space	\$1,000	\$2,369
Over 5,000 sq. ft. of living space	\$1,500	\$2,369
Single family residential – remodel	\$ 500	n/a
Multi-family residential – new	\$ 800/unit	\$2,369 per connection
Multi-family residential – remodel	\$ 400/unit	n/a
Multi-family residential – Over 10,000 sq. ft.	Subject to Plan Review	Subject to Plan Review
Commercial & Club Facilities—		
10,000 or less sq. ft. covered building space	\$1,500	Subject to Plan Review
Over 10,000 sq. ft. covered building space	Subject to Plan Review	Subject to Plan Review
Marinas	Subject to Plan Review	Subject to Plan Review
Spa*	\$ 50	n/a
Fence*	\$ 75	n/a
Swimming Pool*	\$ 75	n/a
Boat Dock*	\$ 75	n/a
Deck*	\$ 75	n/a
Retaining Wall*	\$ 75	n/a
Jet Ski Ramp*	\$ 25	n/a

\*No fee required if constructed at the same time as a residence and as a part of the same plans.

\*\*Does not include required deposits.

**(b) Permit Extension**

Should the Project not be completed within the permit term, the permit holder can apply to the City at least thirty (30) days before the expiration of the Building Permit, in writing, for an extension of one hundred (100) days. If the Project is not completed within this time frame, the Building Inspector shall Red Tag the Site and any additional construction will require a new permit at a minimum cost of \$500.

**VI. CONSTRUCTION CONDUCT & DEPOSIT**

**(a) Deposit Required**

In addition to the Building Permit fees and utility hook-up charges set out above, a deposit in the same amount as the permit fee shall be paid to the City. The deposit is refundable to the Applicant who made the deposit after an Occupancy Permit is issued and the Building Inspector has authorized the refund. The Applicant shall be provided a copy of this section when the deposit is delivered, providing notice of the possibility that deductions will be made for certain acts as set out herein. Additionally, the Applicant shall agree, in writing, that deductions may be made from the deposit for the acts described in Sections VI.(b) and VII.(c)(1)

**(b) Deposit Deductions & Forfeiture**

(1) **Forfeiture:** On new construction Projects, if the structure is occupied before the City issues an Occupancy Permit, the deposit is forfeited in its entirety.

(2) **Deductions:** A deduction from the refund will occur if the following situations arise:

(A) Absence of restroom facilities for the construction workers at any time work on the Project is ongoing. Any violation of this provision shall result in a deduction from the deposit of \$15 each day there is a violation.

(B) The Site and surrounding areas shall be kept free from construction debris and litter with no significant accumulation outside of a required trash enclosure for more than four days. The trash enclosure is to be located on the Site through completion of the construction period. If the permit holder does not provide an orderly Site and the accumulation of unconfined debris threatens the surrounding areas, the City will advise the permit holder of their concern and require an immediate clean up. Absent compliance, the City shall contract for the necessary clean up, and the actual cost incurred by the City for cleaning the Site will be deducted from the deposit.

(C) Organic material (tree limbs, brush, etc.), which is cut and not removed from the Site within fourteen (14) days, will be removed by a contractor hired by the City and the City will deduct the actual cost incurred by the City for the removal of organic material from the deposit.

(D) The permit holder shall preserve, and totally restore to generally equivalent condition if damaged, City or subdivision-owned property including roads, drainage

ditches or signs. Any unrepaired damage shall be repaired by a contractor hired by the City or Subdivision where the site is located and the actual cost incurred by the City or Subdivision for repair or restoration will be deducted from the deposit and, when applicable, paid to the Subdivision by the City for actual costs incurred by the Subdivision.

(E) No construction material, debris, removed brush or equipment may be located on properties adjacent to the Site without express written permission of its owner or agent. Unauthorized dumping on adjacent property, on roads or rights of way, or in violation of any City ordinance or regulation including but not limited to an anti-dumping ordinance will be removed by a contractor hired by the City and the actual cost incurred by the City for the removal will be deducted from the deposit.

(F) Construction shall only occur during weekdays and Saturdays, and hours of work shall be no earlier than 7 a.m. and no later than 7 p.m. unless specifically approved by the City. Any violation of this provision shall result in a deduction from the deposit of \$100 each day there is a violation.

(G) Vehicles parked on subdivision streets adjacent to the Site or adjoining properties must not create an impairment of traffic or a nuisance for those living in the Site's vicinity. Any complaints issued by the City and not corrected will result in a charge of \$100 each day the problem persists which will be deducted from the deposit.

(H) Should the Building Permit deposit balance become negative, a new deposit of \$1,000 will be required. If this should occur, the Site will be Red Tagged and all construction must stop until the additional deposit is submitted.

(I) A copy of the building permit shall be posted at the site at all times during construction, at a location accessible and easily seen from the site's boundaries. Any violation of this provision shall result in a charge of \$15 for each day there is a violation which will be deducted from the deposit.

## **VII. BUILDING INSPECTION**

### **(a) Inspectors**

The City shall select from a list of approved Building Inspectors and assign an inspector for each Project for which a Building Permit is issued. The Applicant shall be given notice that the inspector is an independent contractor and that the City has no liability or other responsibility for any inspections required herein or other actions of the Building Inspector. The assigned Building Inspector shall review and approve the submitted plans before the Building Permits are issued. It shall be unlawful for any person, while serving as Building Inspector for the City to engage, either directly or indirectly, in the business of sale, design, installation or maintenance of any building or structure in the City pursuant to the terms of this Chapter.

**(b) City Inspections**

City employees shall have access to all building Sites for the purpose of making periodic inspections of construction progress and conducting inspections pertaining to water and sewage utility issues.

**(c) Inspections at Each Stage of Construction**

(1) **Period Inspections:** Inspection of construction progress shall occur periodically to insure construction on a Project is consistent with any plans submitted in conjunction with an Application and with the Building Codes. It is the responsibility of the permit holder to insure that the Project receive inspection at each required stage. Inspections should be scheduled by the permit holder between the hours of 9 a.m. and 5 p.m. and any called for before the Project is in a state of readiness will cost \$100, which amount shall be deducted from the deposit required pursuant to Section VI. of this Ordinance. The City will use its best efforts to insure that Inspectors make their inspections within twenty-four (24) hours when called for, and if possible, on the same day as called for plumbing rough work inspections.

(2) **Inspections at Each Stage:** Inspections and approvals shall be made at the following stages before construction can proceed:

- (A) Code and plan check prior to issuing a Building Permit
  - (i) Code and local ordinance compliance
  - (ii) Energy Code compliance
  - (iii) Service load calculation for electrical for structures over 5,000 square feet
  - (iv) Flood plain construction permit, if required
  - (v) American Disabilities Act compliance, as required
  - (vi) Appropriate Architectural Control Committee approval
  - (vii) Utility approval
- (B) Foundation inspection
  - (i) Footings, elevation, and lot line setbacks
  - (ii) Sewer waste pipe installation
  - (iii) Support walls
  - (iv) Water supply line installation
- (C) Service line trenches (electrical and plumbing)
- (D) Roof inspection
- (E) Cladding inspections
- (F) Dry inspections
  - (i) Framing
  - (ii) Plumbing

- (iii) Electrical
  - (iv) HVAC
  - (v) Mechanical
  - (vi) Gas line
- (G) Insulation inspection
- (H) Drywall inspection
- (I) Pools. This inspection will be performed when plumbing and electrical rough-ins are completed.
- (J) Final inspection

**(d) Schedule for Certain Commercial Projects**

On commercial or Club Facility Projects in excess of 10,000 square feet or a part of a multi-building commercial development and/or a multi-family Project for more than four (4) families or more than two (2) stories, the City and the permit holder shall agree on the appointment of a team of inspectors and a schedule of inspection activities to be paid for by the Applicant.

**(e) Setbacks**

Before beginning construction, it is the permit holder's responsibility to ascertain that the Project conforms to property set back restrictions. It is also the responsibility of the permit holder to tie in driveways to existing hard surface of the street accessing the property.

**(f) Noncompliance**

Should the Building Inspector determine that construction is not in compliance with Building Codes or is at variance with plans for the Project, it shall be Red Tagged and construction must cease until the irregularity is corrected. Notice that a project is tagged shall include posting at the site and written notice to the permit holder. The permit holder may submit, in writing, its objection to the tagging to the City, and request a hearing before the Council. If the issue is not resolved prior to the next scheduled meeting of the Council, it shall be placed on the Council's agenda for hearing. Following such hearing, the Council may lift or continue the tagging. Any determination by the Council shall be final.

## **VIII. EFFECTIVE DATE**

This Chapter shall become effective at 12:01 a.m., May 1, 2006, and the rules and regulations set out herein shall apply to Projects where construction is to be initiated after the effective date. Projects initiated prior to the effective date will not be affected hereby. In any situations where it is not clear whether construction has been initiated prior to 12:01 a.m., May 1, 2006, such Project shall be subject to this Chapter save and except where an authorized property owners' association has issued a building permit for such Project.

## **IX. FILING & ISSUANCE OF PERMITS**

### **(a) Date of Submission**

An Application shall be considered submitted as of the time and date the Application has met all application requirements as set out in Section IV. herein.

### **(b) Place of Making Application**

All Applications and submissions for Building Permits must be filed at the City's municipal office located at One Community Drive, Horseshoe Bay, Texas between the hours of 9 a.m. and 4 p.m., Monday through Friday, except for legal national, state or City holidays.

### **(c) Issuance of Permit**

Not later than the 45th day after the date an Application for a Building Permit is submitted, the City shall, in compliance with section 214.904, Local Government Code, as it may be amended hereafter:

- (1) Grant or deny the permit;
- (2) Provide written notice to the Applicant stating the reasons why the City has been unable to grant or deny the Application; or,
- (3) Reach a written agreement with the Applicant providing for a deadline for granting or denying the permit.

## **X. ENFORCEMENT**

### **(a) Civil & Criminal Penalties**

The City shall have the power to administer and enforce the provisions of this Chapter as authorized by governing law. Any person violating any provision of this Chapter is subject to suit for injunctive relief as well as prosecution for criminal violations.

### **(b) Criminal Prosecution**

Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00), except as may be otherwise expressly provided herein or by state law. Each day that a provision of this Chapter is violated shall constitute a separate offense. An offense under this Chapter is a misdemeanor.

### **(c) Civil Remedies**

Nothing in this Chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Chapter and the Building Codes herein listed, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Chapter or to require specific conduct that is necessary for compliance with the Chapter;
- (2) A civil penalty up to two hundred fifty dollars (\$250.00) a day when it is shown that the defendant was actually notified of the provisions of the Chapter and after receiving notice committed acts in violation of the Chapter or failed to take action necessary for compliance with the Chapter; and,
- (3) Other available relief.

**(d) Legal Representation**

On behalf of the City, the City Attorney or other attorney may, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter with respect to any violation hereof which occurs within the City's jurisdiction.

## **EXHIBIT “1”**

<b><u>ZONE</u></b>	<b><u>EXISTING SUBDIVISIONS</u></b>
1	Applehead Island Subdivision
2	Applehead Subdivision
3	Horseshoe Bay West Subdivision
4	Horseshoe Bay, Horseshoe Bay North & Horseshoe Bay South Subdivision
5	Bay Country Subdivision
6	Pecan Creek Subdivision
7	Peninsula Subdivision
8	Matern Island Subdivision
9	Escondido Subdivision
10	Siena Creek Subdivision
11	The Trails of Lake LBJ Subdivision

### **NON-SUBDIVISION PROPERTY**

12	Hurd Agreement Property
13-16	Resort Agreement Property
17	Centex Agreement Property
18	Real property within City, but not included in other Zones



## **EXHIBIT “2”**

### **BUILDING CODES, STANDARDS and REQUIREMENTS**

A copy of each of the following is on file in the office of the City Secretary.

Single Family Residential

The International Residential Code (2003 edition)

Multifamily: Duplex, up to Four Family, Two Stories or Less, and Multiple Single Family Dwellings (Townhouses), Three Stories or Less

The International Residential Code (2003 edition)

Club Facilities and Commercial, One or Two Stories, Less than 10,000 Square Feet

The International Building Code

Multifamily: Over Four Family and/or More than Two Stories

The International Building Code

Club Facilities and Commercial Over 10,000 Square Feet

The International Building Code

Retail Centers or Multiple Buildings

The International Building Code